Previous references.
Ch 41-09-142
4-06-105, 116, 168 &c
31-03-1 to 9
LR 361-02.

Later references.
Ch 125.10.

1909.

(Courts)

File No. 166-09

Serial Nos. 1 to 2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 2

Part B. for July 1910.

SUBJECT.

Constitution of Sub Divisions for purposes of the Administration of Criminal justice.

Table of Contents

1. To the Registrar, Chief Court & the Dt. Magtes of Districts
No. J 70-8 & 9-7-10.
Directs that all the existing Revenue Sub Divisions be declared to be Sub Divisions under the Code of Criminal Procedure.
2. To the Compiler, Mysore Gazette No. J 79 & 9-7-1910
Notifies the above—

G. R. S. 12]
General and Revenue Secretariat.

Ch File No. 166 of 1909-10

Serial No.

Sub Divisions under the Criminal Pro. Code, so that Govt may have freedom in posting Assistant Commissioners and may not be hampered by considerations of their qualification to exercise Special Magisterial powers. These latter had better be considered in each individual case, according to the Officers qualifications. A notification to this effect may be drafted to regularize matters".

(Intd) J. A. R. 12.1.1910.

2" Please put up draft. I however × believe that the Chief Court when consulted on a similar proposal about two years ago were against the idea and were in favour of empowering certain Assistant Commissioners only with such powers". (Intd) C. S. B. 13.1.10.

3 Submitted with a draft notification.

S J O.

× Vide para 3 of letter No 525/3, dt 16.7.1907 from the Registrar Chief Court. Flag S.

NOTE—Contn. sheet.

[GPB—55,000—27-4-09

Serial No.

have to be published with the draft which will have to be amended suitably if it has appeared in the Gazette, please add the reference in the draft, so that the attention of the Courts and the public may be specifically drawn to it.

9/2/10. SH

Subd 8 The Revenue Sub Divisions have been published in the Gazette, (Please see page 639, Part I of the issue of 20.12.1906) References is made to the number and date of the Notification, in the fresh draft now put up - Subd for orders -

Hon V
10/2/10. 10/2

10/2/10. SH

Sec'y 9: This notification does not dispense with the necessity of specially placing magts in charge of the subdivisions when necessary. This will be done on consideration of individual fitness for such charge

Dewan Mongh 2nd Cy

2869
19.2.10

15/2/10

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

15 File No. [illegible] of 1907

6

Serial No. 13

Clause (2) of Sec 13 of the Cr. P. Code defines a Subdivisional Magistrate as a Magistrate of the 1st or 2nd class placed in charge of a Subdivision constituted under Sec 8. The effect of issuing the draft notification will therefore be to make all Magistrates of the 1st or 2nd class in charge of Revenue Subdivisions Subdivisional Magistrates, (whose powers are defined in Schedule III of the Code). This result can not, it appears to me, be got over.

8.

14 In file No 4 of 1906 the Chief Court when unofficially consulted recommended the investiture of certain Magistrates only with the powers of a Subdiv Magte.

Submitted to Secretary

SB

14/4/10.

F) Resub'd to Sec 4.

SB

23/4/10.

Returned to Asstt for [illegible] on personally [illegible] SB 14/4/10

14/4/10

Please send this up to me after the return of the 2nd to the Station

SB

14/4/10

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

1) Though ~~his~~ the local area of his magl. jurisdiction ~~extends~~ corresponds with the area of the Rev + Crl subdivision, still as he has not been placed in charge of the subdivision ~~as~~ by Govt by a notn under Sec 13 Cr.P.C he is not a subdivision magte but simply a first or 2nd class magte exercising his powers in a certain local area.

2) If it is intended to make him a subdn magte a notn under Sec 13 will have to be issued.

3) That such a distinction between Sec 12 & 13 ~~is~~ exists is implied in the Chief Court letter of 11 Decr 1909 — Serial 1 in Court file 141 of 1909. In that letter the proposal was to appoint Mr S as subdn magte of ~~a division~~ a certain the ~~Ranjangud~~ Dn. Mr S. was already a 1st class magte with a local jurisdiction over the taluks comprised in the Rev subdivision. The Chief Court say that if the ~~taluks~~ local area concerned has been already formed into a Criminal subdn, the proposed powers of a subdn magte might be conferred on Mr S.

NOTE—Contn. sheet.

BPG—55,000—27-4-09

Serial No.

This means that though m^r S has been invested with powers under Sec 12 Cr Pc, a Special notn under Sec 13 Cr Pc is necessary to make him a Subdn magte.*

2 3 Of the mere formation of Subdivisions under Sec 8 Cr Pc, and the appointment of a magte under Sec 12 with ~~local~~ jurisdiction over the local area comprised in the Subdn were enough to make him a Subdn magte, Sec 13 would be superfluous.

3/4 What is now proposed to be done ~~as~~ as ordered by the Dewan on 12-1-1910, is to issue a notn under Sec 8 Cr Pc constituting certain areas into subdivisions for the purposes of the Cr Pc. Ordinarily Asst Commr magtes in charge of Rev Subdns will not ipso facto be subdn magtes also, but their local jurisdiction will be defined by the Dt magte under Sec 12 & this will in all cases be co-terminous with their revenue jurisdiction. In ~~Special~~ cases where the individual officer is

* See also the ch Cl letters in the linked files which presuppose that the conferment of the Subdn + the special investiture of powers are both necessary.
cy

Serial No.

considered fit to exercise the powers of a subdivisional magte, a notn under sec 13 will be issued by Govt.

23) If the distinction sought to be drawn above does not exist then the only alternative to allowing all a-cr magts to be subdn magts would be to issue & withdraw notns under secs 8 & 13 whenever an individual officer, th considered fit to be a subdn magte, takes charge of & relinquishes charge of a Dn. [If appd. the Ch. Sec may be consulted no.] 2 nd Cr

CSB
29/4/10

3448

24) This will not save Govt the trouble of deciding which subdns shd be in charge of magts fit to be subdn magts & which may be given to those of inferior qualifications. I am inclined to stick to my opinion of 19 Feb 1910 (Para. 12).

SA 29/4/10

5944
5-5-10.

Dewar

30/4/10
CS

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No. 29

The investiture of this power depends not only on the needs of the Subdn, but also on the personal character & qualifications of the Officer. It would not always be convenient to post an Officer with the powers of Subdn Magistrate, to a Revenue Subdn which is constituted a subdn under Sec 8 (1) of the Criminal Procedure Code.

KPM
16/5/10

624/25-5-10

1/3

Extract from the Proceedings of the 250th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 19th May 1910.

XII. Subject.-(Clause of the Schedule).

Question of declaring all Revenue Sub-divisions as Sub-divisions under Section 8 of the Code of Criminal Procedure.

30

Opinion of the Council.

All the existing Revenue Sub-divisions may once for all be declared to be Sub-divisions under Section 8 of the Code of Criminal Procedure. Whenever it is considered desirable that the Assistant Commissioner in charge of the Revenue duties of the Sub-division should also be a Sub-divisional Magistrate a separate notification may be issued under Section 13 of the Code of Criminal Procedure investing the officer in question with the powers of a Sub-divisional Magistrate.

(Sd) T. Anandarao

Dewan of Mysore.

'Extract'

C.S. Balasundaram Jr
Offg Secretary to Govt

GPB—500—29-4-09

Submitted to His Highness.

C. 31 The recommendation of the Council contained in the accompanying Council Resolution that all the existing Revenue Sub-Divisions may be declared to be Sub-Divisions under Section 8 of the Criminal Procedure Code may be approved. This will facilitate the appointment of the Assistant Commissioners in charge of the Revenue Sub-Divisions, when considered fit, as Sub Division Magistrates. Whenever it is deemed desirable that the Sub-Division Officer should also be a Sub-Divisional Magistrate, a Notification would be issued under Section 13 of the Code of Criminal Procedure investing the officer in question with the powers of a Sub-Divisional Magistrate.

hu. T Ananda Rao
26 may 20

G. R. S. 12]
General and Revenue Secretariat.

Cto File No. 166 of 1909-10 16

Serial No.

34 Submitted with a draft order, and the draft notification, already approved by the Secretary on 15.2.1910.
Secs SW
9.6.10 9/6/10

SA

Secy. 2nd Order

MS
9/6/10
SA 28/6/10.

40981(6). 35 Draft appd by 2nd Councillor 29.6.10
MS

6762 / 4-7-10

36 Dewan
MS
4/7/10
Draft appd

37 Issue
MS
6/7/10
SA
7/7/10.

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

Ct. File No. 166 of 1909-10. 17

Serial No.	
1	To the Registrar Chief Courts & " Dist. & magistrates of Dist's N J 70-8 & 9.7.10. Directs that all the existing Revenue Sub-Divisions be declared to be Sub-Divisions under the Code of Criminal Procedure. Mysore Gazette 13 Aug 1910 Part I page 310
2	To the Compiler, Mysore Gazette. N J 79 & 9.7.1910. Notifies the above.

NOTE—Contn. sheet.

GPB—55,000—27-4-09

7/10

I

G.R.S. 28.]

Cts **File No.** 166-09

Serial No. 1

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(cts)

READ—

, *the* 19

Date of issue 9th July 1910

Signed by Mr S. Srinivasaraya

ORDER THEREON.—No. J 40-8 / cts 166-09-1.

with a view to facilitate the appointment of the Assistant Commissioners in Charge of the Revenue Sub-Divisions, when considered fit, as Sub ~~Divisional~~ Divisional Magistrates, Govt are pleased to direct

over

SUBJECT.

GPB—5,000—7-5-09

that all the existing Revenue Sub-Divisions be ~~one for all~~ declared to be Sub Divisions under Section 8 of the Code of Criminal Procedure. [Whenever it is Considered desirable that the Assistant Commissioner in Charge of the Revenue duties of ~~the~~ a Sub-Division should also be a Sub Divisional Magistrate a Separate ~~n~~ notification will be issued under Section 13 of the Said Code, investing the Officer in question with the powers of a ~~Sub Divisional~~ Magistrate

~~Notification~~ will accordingly be published in the Mysore Gazette.

May ~~the~~ be printed?

CSB
23/6/10
Secretary to Govt.

Paid

To

The Registrar, Chief Court of Mysore.
All the District Magistrates ~~of Districts~~.

Notification

DFO
Accs
9.6.10.

P.J.O.

G.R.S. 26]

Jus Section

II 3166/09

G.S. File No.

Serial No. 2

Diary No. of letter replied to

General and Revenue Secretariat
(Cls)
, *the* 190

Date of issue 9-4-10

Signed by Mr P. G. D'Souza.
Ka. V

Spare copies dispatched 26/3/10.
Ka. V

Notification No. J 49.

~~To~~

The Govt are pleased to direct that the Revenue Sub Divisions constituted under their order No. RR 5516-55-L.R. 252-06-3 dated the 29th November 1906, and published with Notification No. R 5556-L.R. 252-06-4 of the same date, be deemed to be Sub Divisions, Constituted as such under Section 8(1) of the Code of Criminal Procedure, 1904.

By order

Secretary.

Mysore Gazette of 11th July 1906 Part I page 310

5/3/10

29/3/10

SUBJECT.

To -

8/3/10

7

The Compiler, Mysore Gazette for publication with a Kannada translation.

Memo. No. 8

Copy of the above is forwarded to the Registrar of the Chief Court of Mysore in continuation of this Office endorsement No. J. 1961- dtd 14-1-09-2 dated the 6th January 1910.

8

Flag 7

Dft Hcg 10/2/10

By order,

For Secretary to Govt.

List of enclosures,

Copied by

Examined by

GPB—10,000—28-5-08

Proceedings of the Government of His Highness the Maharaja of Mysore, Judicial and Legislative (Courts), dated 9th July 1910.

No. J. 70-8—Cts. 166-09-1, dated Bangalore, 9th July 1910.

Order.—With a view to facilitate the appointment of the Assistant Commissioners in charge of Revenue Sub-Divisions, when considered fit, as Sub-Divisional Magistrates, Government are pleased to direct that all the existing Revenue Sub-Divisions be declared to be Sub-Divisions under Section 8 of the Code of Criminal Procedure. The subjoined Notification will accordingly be published in the *Mysore Gazette*. Whenever it is considered desirable that the Assistant Commissioner in charge of the Revenue duties of a Sub-Division should also be a Sub-Divisional Magistrate, a separate Notification will be issued under Section 13 of the said Code, investing the officer in question with the powers of a Sub-Divisional Magistrate.

C. S. BALASUNDARAM IYER,
Offg. Secy. to Govt., Gen. & Rev. Depts.

To—The Registrar of the Chief Court of Mysore.
All the District Magistrates.

No. J. 79—Cts. 166-09-2, dated Bangalore, 9th July 1910.

The Government are pleased to direct that the Revenue Sub-Divisions constituted under their Order No. R. 5516-55—L. R. 252-06-3, dated the 29th November 1906, and published with Notification No. R. 5556—L. R. 252-06-4 of the same date, be deemed to be Sub-Divisions constituted as such under Section 8 (1) of the Code of Criminal Procedure, 1904.

By Order,
C. S. BALASUNDARAM IYER,
Offg. Secy. to Govt., Gen. & Rev. Depts.

Exd.—c. v.

1910-11

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

COURTS

PROCEEDINGS

Dated 9th July 1910

No. J. 70-8
Cts. 166-09-1

Declaring all the existing Revenue Sub-Divisions to be Sub-Divisions under Section 8 of the Code of Criminal Procedure.

GPB—20-7-10—400